

Message Text

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C O N F I D E N T I A L SECTION 1 OF 4 LISBON 6276

E.O. 11652: GDS
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SUBJECT: ORGANS OF SOVEREIGNTY: ONE YEAR LATER

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SUMMARY: IN THE YEAR SINCE THE ESTABLISHMENT OF THE
CONSTITUTIONAL GOVERNMENT THE RELATIONSHIPS AMONG THE
ORGANS OF SOVEREIGNTY HAVE EVOLVED SIGNIFICANTLY. THE
PRESIDENCY HAS GROWN IN STATURE AND IMPORTANCE. THE
REVOLUTIONARY COUNCIL HAS BEEN REDUCED TO A DEBATING CLUB.
THE EFFICIENCY AND INFLUENCE OF THE ASSEMBLY HAVE GROWN.
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THE GOVERNMENT REMAINS THE PRINCIPAL POLICY MAKER
BUT IT NO LONGER DOMINATES THE SYSTEM.
DEMOCRATIC INSTITUTIONS HAVE BEEN STRENGTHENDED. THE
SYSTEM MUST CONTINUE TO EVOLVE HOWEVER, TO ENSURE THE GOVERN-
MENT'S ABILITY TO DELIVER ON ITS COMMITMENTS. THE
DEVELOPING UNDERSTANDING BETWEEN PS AND PSD COULD
PROVIDE THE STRENGTH ESSENTIAL TO MEET THE CHALLENGES

AHEAD. END SUMMARY.

1. ROLES BEING DEFINED: PORTUGAL'S CONSTITUTION ESTABLISHED FIVE SOVEREIGN ORGANS: THE PRESIDENT, THE ASSEMBLY, THE GOVERNMENT, THE REVOLUTIONARY COUNCIL, AND THE COURTS. FUNCTIONS OF THE SOVEREIGN ORGANS ARE STILL BEING WORKED OUT IN PRACTICE. HOWEVER, IN THE PAST YEAR CONSIDERABLE PROGRESS HAS BEEN MADE IN DEFINING EACH BODY'S ROLE.

2. THE GOVERNMENT ONE YEAR LATER - NO LONGER DOMINANT: THE SOARES GOVERNMENT CAME INTO OFFICE WITH WIDE PUBLIC ACCEPTANCE DESPITE ITS MINORITY STATUS. ITS PROGRAM WENT THROUGH THE LEGISLATIVE ASSEMBLY WITH ONLY MILD OBJECTIONS FROM THE OPPOSITION PARTIES. THE GOVERNMENT DOMINATED THE LEGISLATIVE ASSEMBLY DURING THE EARLY MONTHS AS THE SOCIALISTS SHIFTED AMONG THE PSD, CDS, AND PCP FOR SUPPORT DEPENDING ON THE ISSUE. THE GOVERNMENT WAS CLEARLY THE KEY ACTOR ON THE PORTUGUESE SCENE, AND THE POPULAR MARIO SOARES OUTSHONE THE TACITURN AND UNKNOWN RAMALHO EANES. IN THE COURSE OF A DIFFICULT YEAR, HOWEVER, ECONOMIC ACCOUNTS HAVE COME DUE AND MANY PROBLEMS HAVE DEFIED SOLUTION. SUBJECTED TO A DAILY CROSS FIRE OF OPPOSITION CRITICISM, POPULAR ENTHUSIASM FOR THE GOVERNMENT HAS FADED AND THE GOVERNMENT HAS LOST MUCH OF INITIAL POLITICAL CREDIT. THOUGH DECISIONS ON ECONOMIC, LABOR, AND AGRARIAN POLICIES

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ENDED PROSPECTS OF PCP SUPPORT WHILE THE PSD/CDS CONSULTATIVE AGREEMENT MADE IT DIFFICULT FOR THE PS TO WORK SEPARATELY WITH THE PSD AND CDS. AS GOVERNMENTAL DOMINANCE HAS DIMINISHED, IT HAS BECOME INCREASINGLY DEPENDENT ON THE PRESIDENT'S BACKING. JUST HOW SENSITIVE THE GOVERNMENT IS TO PRESIDENTIAL SUPPORT WAS SHOWN BY REACTIONS TO EANES'S APRIL 25 SPEECH CRITICAL OF GOVERNMENTAL PERFORMANCE.

3. THE PRESIDENT'S GROWING STRENGTH: THE AUTHORITY OF THE PRESIDENT HAS INCREASED MARKEDLY. HE HAS GROWN TO FILL HIS CONSTITUTIONALLY DESIGNATED PLACE IN THE SEMI-PRESIDENTIAL SYSTEM. THE PRESIDENT'S 62 PERCENT

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MANDATE, HIS ABOVE-PARTY APPEAL, AND THE GLAMOUR
OF THE OFFICE HAVE TURNED EANES INTO A POPULAR
FIGURE ALMOST AGAINST HIS WILL. HE HAS DEMONSTRATED HIS
COMPETENCE BY RESTORING DISCIPLINE AND A SENSE OF HIERARCHY
TO THOSE OUT OF POWER HAVE APPEALED
TO THE PRESIDENT TO TAKE A MORE ACTIVE ROLE IN ORDER TO
INCREASE THEIR OWN INFLUENCE. EANES HAS TAKEN A
LARGER ROLE IN GOVERNMENTAL AFFAIRS, MAINLY BEHIND THE
SCENES. FOR INSTANCE, EANES CONSULTED FREQUENTLY WITH
AGRICULTURE MINISTER ANTONIO BARRETO ON THE RECENTLY-ENACTED
AGRARIAN REFORM LAW. EANES HAS ALSO TAKEN A PERSONAL HAND
IN IMPROVING RELATIONS WITH PORTUGAL'S FORMER AFRICAN COLONIES.
HE WILL CERTAINLY PLAY A ROLE IN THIS FALL'S ANTICIPATED
GOVERNMENT CHANGES. NONETHELESS, PRESIDENTIAL AUTHORITY
AND INFLUENCE HAS ITS LIMITS. EANES HAS SOUGHT TO INFLUENCE
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ACTIONS BY THE PARTIES, BUT HE DOES NOT ALWAYS SUCCEED.
POLITICAL LEADERS PREFER TO HAVE THE PRESIDENT ON THEIR
SIDE, BUT THEY ACT ON THEIR OWN BEST INTERESTS EVEN IF
EANES DISAGREES.

4. THE ASSEMBLY TAKES HOLD: HANDICAPPED IN ITS EARLY
MONTHS BY LACK OF ORGANIZATION, EXPERIENCE AND BY
GOVERNMENTAL DOMINATION OF THE POLITICAL PROCESS, THE
LEGISLATIVE ASSEMBLY HAS NOW MOVED TO OCCUPY A PLACE

MORE IN KEEPING WITH ITS CONSTITUTIONAL RESPONSIBILITIES. THE ASSEMBLY WORKS BETTER; ITS COMMITTEES ARE MORE EFFICIENT; DEPUTIES DEVOTE MORE TIME TO PREPARING LEGISLATION. BUT THE KEY DIFFERENCE IS THAT THE GOVERNMENT NO LONGER HAS AN ASSURED MAJORITY. THE OPPOSITION PARTIES USE THE ASSEMBLY TO PRESSURE AND INFLUENCE THE GOVERNMENT; THEY DO SO THROUGH QUESTION PERIODS, REQUESTS FOR ASSEMBLY RATIFICATION OF GOVERNMENTAL DECREES, AND BY WITHHOLDING THEIR APPROVAL ON KEY MEASURES. PARLIAMENT HAS TAKEN A LARGER HAND IN INITIATING LEGISLATION, SUBMITTING 71 BILLS AGAINST THE GOVERNMENT'S 116, EVEN MORE OFTEN THE OPPOSITION PARTIES EMPLOY THE OVERSIGHT FUNCTION TO ACT AS HARSH CRITICS OF GOVERNMENTAL ACTIONS.

5. REVOLUTIONARY COUNCIL, NOT WHAT IT USED TO BE: THE REVOLUTIONARY COUNCIL (RC) HAS STEADILY DIMINISHED IN IMPORTANCE OVER THE PAST YEAR. PRESIDENT EANES HAS PLACED SEVERAL OF HIS OWN MEN ON THE COUNCIL; AND HAS NARROWLY INTERPRETED THE RC'S RESPONSIBILITIES ALLOWING THE SERVICES TO RECLAIM THEIR TRADITIONAL FUNCTIONS. THE RC CONTINUES TO MEET WEEKLY TO DEBATE, TO RATIFY, BUT SELDOM TO DECIDE. THE CONSTITUTIONAL COMMISSION AND THE RC HAVE NOT PLAYED THE AGGRESSIVE
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POLITICAL ROLE IN ENFORCING THE CONSTITUTION WIDELY FEARED BY THE CONSERVATIVES. EVEN PRESS SPECULATION OVER THE RC AND THE FATE OF MELO ANTUNES AND HIS COLLEAGUES OF THE MILITARY LEFT HAS DIED OUT. MOST CONSERVATIVES SEEM TO HAVE ACCEPTED THE PRESIDENT'S JUDGEMENT THAT IT IS BETTER TO MAINTAIN AN UNIMPORTANT RC THAN TO CHALLENGE THE EXISTENCE OF A BODY ESTABLISHED IN THE CONSTITUTION.

6. THE COURTS: THE CLIMATE OF REVOLUTIONARY FERVOR WHICH CRIPPLED THE COURTS AND PERMITTED SUCH EXCESSES AS THE ACQUITTAL OF A PEASANT-MURDERER BY A "POPULAR REVOLUTIONARY TRIBUNAL" IN JULY 1975 (REF D) HAS ENDED. THE COURTS ARE NOW PROCEEDING NORMALLY, HANDLING EVEN POLITICALLY SENSITIVE CASES OF PRESS LIBEL ON JUDICIAL CRITERIA. THE JUDGES HAVE ELECTED THE SUPREME COUNCIL OF MAGISTRATES PROVIDED FOR IN THE CONSTITUTION AND THE GOVERNMENT HAS SUBMITTED LEGISLATION DESIGNED TO IMPROVE JUDICIAL EFFICIENCY.

7. WHO MAKES THE RULES: THE CONSTITUTION ASSIGNS THE GOVERNMENT, THE ASSEMBLY, AND THE REVOLUTIONARY COUNCIL DESIGNATED AREAS OF LEGISLATIVE RESPONSIBILITY:
(A) GOVERNMENT AND ASSEMBLY SHARE RESPONSIBILITIES:

IN AREAS NOT REQUIRING ASSEMBLY APPROVAL, THE GOVERNMENT HAS BROAD AUTHORITY TO PASS DECREE LAWS WITHOUT CONSULTING THE ASSEMBLY. FROM JULY 1976 THROUGH AUGUST 1977, THE GOVERNMENT APPROVED 566 DECREE LAWS; THE ASSEMBLY PASSED 57 LAWS. OVER THE PAS YEAR, HOWEVER, THE ASSEMBLY HAS PICKED UP A GROWING SHARE OF THE LEGISLATIVE LOAN. THE GOVERNMENT

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IS NO LONGER ABLE TO GET MEASURES THROUGH THE ASSEMBLY WITHOUT TAKING OPPOSITION CONCERNS INTO ACCOUNT. THE PSD, CDS, AND PCP IN EARLY JULY SERVED NOTICE ON THE GOVERNMENT BY REJECTING GOVERNMENT MEASURES ON INCENTIVES FOR OIL EXPLORATION AND DEFINITION OF LOCAL GOVERNMENT RESPONSIBILITIES. THE OPPOSITION PARTIES FOLLOWED UP BY PUSHING THROUGH THEIR OWN LAWS ON LOCAL GOVERNMENT RESPONSIBILITIES AND FORCING DEFERRAL OF AN ASSEMBLY VOTE ON THE MEDIUM-TERM PLAN. WITH THE PCP MOVE TO SYSTEMATIC OPPOSITION, THE GOVERNMENT IS DEPENDENT ON THE TACIT CONSENT (ABSTENTION) OF AT LEAST ONE DEMOCRATIC PARTY TO GET ITS LEGISLATION THROUGH. AS A RESULT, THE GOVERNMENT HAS TAKEN INITIAL STEPS TOWARD NEGOTIATING A BROAD LEGISLATIVE ACCORD WITH THE PSD.

(B) MINOR ROLE FOR REVOLUTIOARY COUNCIL: THE
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REVOLUTIONARY COUNCIL AND ITS CONSTITUTIONAL ADVISOR, THE CONSTITUTIONAL COMMISSION, HAVE PLAYED A MINOR LEGISLATIVE ROLE. THE COMMISSION AND THE RC HAVE ONLY FOUND A FEW MINOR LAWS UNCONSTITUTIONAL. THE COMMISSION HAS ADOPTED A BROAD INTERPRETATION OF THE CONSTITUTION AND REJECTED EFFORTS TO IMPOSE A MARXIST INTERPRETATION OF PERMISSIBLE LEGISLATION. THE RC HAS FULFILLED ITS CONSTITUTIONAL ROLE IN APPROVING MILITARY LEGISLATION, INCLUDING A MAJOR REVISION OF THE CODE OF MILITARY JUSTICE. MOST OF THE MILITARY LEGISLATION, HOWEVER, IS PREPARED WITHIN THE SERVICES AND SUBMITTED TO THE RC FOR ITS RATIFICATION.

(C) PRESIDENT ACTIVE BEHIND SCENES: IN PRACTICE, THE PRESIDENT PLAYS A GREATER ROLE AS ARMED FORCES CHIEF IN APPROVING MILITARY MEASURES LEGISLATON THAN DOES THE RC. EANES PLAYS A LESS ACTIVE ROLE IN NON-MILITARY MATTERS, BUT HE STILL MAKES HIS WEIGHT FELT. HIS APRIL 25 SPEECH ADVISING THE ASSEMBLY TO MOVE MORE RAPIDLY ON KEY ECONOMIC, LABOR, AND AGRARINA LEGISLATION HELPED PRODUCE RESULTS. EANES CONSULTED REGULARLY WITH PARLIAMENTARY LEADERS AND GAVE A BOOST TO THE GOVERNMENT'S AGRARINA REFORM PROPOSALS IN CONVERSATIONS WITH PARTY LEADERS AND A WELL-PUBLICIZED MEETING WITH AGRICULTURE MINISTER BARRETO ON THE EVEN OF THE VOTE.

8. WHO CARRIES OUT THE RULES:

(A) THE GOVERNMENT AND PRESIDENT IN CHARGE: THE GOVERNMENT DOMINATES EXECUTIVE FUNCTIONS EXCEPT IN THE MILITARY AREA. NONE OF THE OTHER SOVEREIGN ORGANS HAVE THE RESOURCES TO MATCH THE STATE BUREAUCRACY. THE PRESIDENT HAS PLAYED AN ADVISORY ROLE ON EXECUTIVE MATTERS THROUGH HIS SMALL CIVIL HOUSEHOLD. FOR EXAMPLE, PRESIDENTIAL ADVISOR ON LABOR MAJ. FONSECA ALMEIDA
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MAINTAINS CONTACT WITH THE LABOR MINISTRY AND THE UNIONS. HE KEEPS THE PRESIDENT INFORMED OF LABOR DEVELOPMENTS BUT MAKES NO ATTEMPT TO FOLLOW DAY TO DAY EXECUTION OF POLICY. THE PRESIDENT HAS CONSCIOUSLY ENGOURAGED THOST MINISTERS HE BELIEVED WERE PARTICULARLY EFFECTIVE, INCLUDING EDUCATION MINISTER SOTTOMAYOR CARDIA AND AGRICULTURE MINISTER BARRETO. EANES ALSO HAS CLOSE CONNECTIONS AND

GREAT INFLUENCE OVER THE POLICE AND NATIONAL GUARD WHICH ARE COMMANDED BY MILITARY OFFICERS, ALTHOUGH THEY REPORT TO THE INTERNAL ADMINISTRATION MINISTER. (B) ASSEMBLY INFLUENCE LIMITED: OVER THE PAST YEAR THE ASSEMBLY HAS DEPENDED ON A NUMBER OF INEFFICIENT CHECKS ON EXECUTIVE ACTIVITIES. ASSEMBLY DEPUTIES SUBMITTED 172 PETITIONS TO THE GOVERNMENT IN THE FIRST EIGHT MONTHS REGARDING THE PERFORMANCE OF GOVERNMENT MINISTERS. THE ASSEMBLY ALSO HELD QUESTION PERIODS ON THE GOVERNMENT'S ECONOMIC POLICY, MANAGEMENT OF THE CRIME PROBLEM, AND POLICIES TOWARD LOCAL GOVERNMENT. THE ASSEMBLY RECENTLY APPROVED LEGISLATION WHICH GIVES OPPOSITION PARTIES RIGHT TO INFORMATION AND PRIOR CONSULTATION ON KEY POLITICAL SUBJECTS. THE LAW WILL BE MORE DIFFICULT TO ENFORCE, HOWEVER, THAN TO PASS.

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(C) EANES IN CHARGE OF MILITARY: THE PRESIDENT, AS ARMED FORCES CHIEF OF STAFF CONTROLS THE MILITARY THROUGH THE SERVICE CHIEFS. THE ROLE OF THE REVOLUTIONARY COUNCIL HAS BEEN MORE SUPPORTIVE THAN OBSTRUCTIVE ALTHOUGH THERE HAVE BEEN CONTENTIOUS MOMENTS. THE GOVERNMENT AND

THE LEGISLATIVE ASSEMBLY HAVE NOT PLAYED A SIGNIFICANT ROLE IN MILITARY AFFAIRS. THE ASSEMBLY IS CHARGED WITH THE CONSTITUTIONAL RESPONSIBILITY FOR "THE ORGANIZATION OF THE NATIONAL DEFENSE." INSTEAD, THE ASSEMBLY DEFENSE COMMITTEE IS KEPT INFORMED, BUT DOES NOT CHALLENGE ARMED FORCES' DECISIONS. FOR EXAMPLE, THE 1977 DEFENSE BUDGET WAS APPROVED BY THE ASSEMBLY WITHOUT QUESTION. DEFENSE MINISTER COL. FIRMINO MIGUEL SERVES CHIEFLY AS A CIVILIAN-MILITARY BUFFER; HE HAS LITTLE AUTHORITY OVER MILITARY QUESTIONS IN A SYSTEM WHERE THE PRESIDENT AND THE

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SERVICE CHIEFS HAVE EFFECTIVE POWER. FOREIGN EXCHANGE SHORTAGES HAVE PLACED CONSTRAINTS ON EQUIPMENT PURCHASES, THE PRESIDENT HIMSELF SERVES AS THE PRINCIPAL INTERLOCUTOR BETWEEN THE GOVERNMENT AND THE ARMED FORCES ON MAJOR PROCUREMENT DECISIONS. EANES HAS IMPOSED HIS OWN RIGOROUS LIMITATIONS ON THE MILITARY BUDGET. CONFLICTS BETWEEN CIVILIANS AND THE ARMED FORCES OVER MILITARY QUESTIONS APPEAR INEVITABLE IN FUTURE YEARS, BUT NO ONE WISHES TO RAISE THE ISSUE NOW.

9. EFFECT ON U.S. INTERESTS: THE EVOLUTION OF DEMOCRATIC INSTITUTIONS HAS HAD SEVERAL IMPORTANT EFFECTS:

- INSTITUTIONS STRENGTHENED: WHILE THE RELATIONSHIP AMONG THE ORGANS OF SOVEREIGNTY HAS CHANGED, THE OVERALL STRENGTH OF DEMOCRATIC INSTITUTIONS HAS INCREASED. THE INSTITUTIONS HAVE HANDLED PROBLEMS, OVERCOME CRISES, AND SORTED OUT THEIR RELATIONSHIPS IN A DEMOCRATIC FRAMEWORK.

-- GREATER ROLE FOR PRESIDENT AND ASSEMBLY: THE POLITICAL SYSTEM, THROUGH THE GOVERNMENT'S POLITICAL WILL AND GREATER PRESIDENTIAL ASSEMBLY INVOLVEMENT HAS OVERCOME SUBSTANTIAL DIFFICULTIES IN THE PAST YEAR. THE SYSTEM MUST CONTINUE TO EVOLVE, HOWEVER, IF THE GOVERNMENT IS TO CONTINUE TO DELIVER ON ITS COMMITMENTS. THE HEIGHTENED ROLE OF THE PRESIDENT AND THE ASSEMBLY HAS BROUGHT HOME THE IMPORTANCE OF CONTINUED CLOSE RELATIONS BETWEEN THE USG AND THOSE INSTITUTIONS.

-- SYSTEM IN FLUX: THE SOCIALISTS HAVE MOVED PRAGMATICALLY TO THE RIGHT WHILE AVOIDING A MAJOR SPLIT IN THE PARTY. THEY NOW SEEM PREPARED TO REACH AGREEMENTS WITH THE PSD

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WHICH COULD GO FAR TOWARD ENSURING THE SUPPORT NEEDED TO MEET THE CHALLENGES AHEAD.

10. SUMMING UP: MUCH HAS BEEN ACCOMPLISHED; MORE MUST BE DONE. PSD PARLIAMENTARY LEADER BARBOSA DE MELO SAID IT WELL DURING THE FINAL ASSEMBLY SESSION ON AUG 11: "THOSE IN POWER AND THOSE CLOSE TO POWER, LOYAL TO DEMOCRATIC IDEALS, MUST FIND A WAY TO ESTABLISH THE BASIS OF GOVERNMENT ADEQUATE TO THE SITUATION." BARRING A MAJOR ECONOMIC OR SOCIAL CRISIS THE INSTITUTIONS OF GOVERNMENT ARE NOW IN SHAPE TO ALLOW THIS TO HAPPEN.
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